

REMARKS

By the present amendment, claim 1 has been amended to replace “the passenger compartment side” by “the side of the passenger compartment,” to delete “and whose lining comes in contact at least partially with the skin in a closed position of the door,” and to recite that the means for retaining the door comprise at least one retention pin fixed to the side beam “so as to be covered by the skin.”

Further, claims 2, 6 and 17-18 have been amended to replace “the web” by “a web,” claims 3 and 10 have been amended to replace “bound hole” by “delimited hole,” and claims 13-18 have been amended to replace “the retention pin(s) is (are) fixed to a () counter element(s)” by “each of the at least one retention pin is fixed to a counter element.” Also, in claims 13-18, as well as in claim 5, “side beam(s)” has been replaced by “side beam.”

A typographical error has been corrected in claim 9 (“complementary” instead of “complementay”), and claims 17 and 18 have been amended to depend on claims 3 and 4, respectively, instead of claim 2.

Further, new claim 19 dependent on claim 1 has been added for the deleted recitation except that it recites “at least partially.”

Support for the added recitations is found in the original application, for example, in the drawings.

In addition, new Figs. 4 and 5 have been added, in which Fig. 4 corresponds to Fig. 3 except that it shows a continuous groove, and Fig. 5 is an enlargement of a pin/hole area of Fig. 1

showing a reduced thickness. Support is found in the original application, for example, original claims 6-7. The specification has been amended accordingly on pages 6-7 to introduce Figs. 4 and 5 and the continuous groove.

Claims 1-19 are pending in the present application. Claim 1 is the only independent claim.

In the Office Action, claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as indefinite. It is alleged in the Office Action that, in claim 1, lining 31 does not come into contact with the skin 22 because of intervening seal member 5, in claim 2, "the web" lacks antecedent basis, in claim 3 and 10, the expression "hole is a hole bound" is vague, and in claims 13-18, multiple pins or alternative structures "pin(s) is (are)" are incorrect since a single pin is recited in claim 2, and the symbol "()" is incorrect.

The clause regarding lining 31 coming into contact with the skin 22 has been deleted in claim 1, and claim 19 recites that "the door comes into contact at least partially with the door opening in a closed position of the door," as shown by partial contact through the seal in the Figures.

Further, claim 2 has been amended to replace "the web" by "a web" to provide antecedent basis, and corresponding changes have been made in claim 6 and claims 17-18.

In claim 3, "bound hole" has been replaced by "delimited hole" for clarification.

Claims 13-18 have been amended to replace "the retention pin(s) is (are) fixed to a () counter element(s)" by "each of the at least one retention pin is fixed to a counter element." Also,

in these claims, as well as in claim 5, “side beam(s)” has been replaced by “side beam,” since “a side beam” is recited in claim 1.

In view of the above, it is submitted that the rejection should be withdrawn.

Next, in the Office Action, the drawings are objected to under 37 C.F.R. 1.83(a). It is alleged in the Office Action that the pins fixed to a continuous groove recited in claims 6 and 16-18, and the reduced skin thickness recited in claim 7, are not shown in the drawings.

New Figs. 4 and 5 have been added, in which Fig. 4 corresponds to Fig. 3 except that it shows a continuous groove 213, and Fig. 5 is an enlargement of the pin/hole area of Fig. 1 showing the reduced thickness at 221. Accordingly, it is submitted that the objection should be withdrawn.

Next, in the Office Action, claims 17-18 are objected to under 37 C.F.R. 1.75. It is alleged in the Office Action that claims 17-18 are substantial duplicates of claim 16.

Claims 17 and 18 have been amended to be dependent on claims 3 and 4, respectively. Accordingly, it is submitted that the objection should be withdrawn.

Next, in the Office Action, claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as anticipated by US 6,312,045 to Kitagawa (“Kitagawa”).

The rejection is respectfully traversed. The lock pin actuator 25 shown on Figs. 32-35 of Kitagawa is not “a retention pin fixed to the side beam” as recited in present claim 1. In particular, Kitagawa states that the lock pin actuator 25 “is mounted to side sill 4 via a mounting member” and “operates to move that [sic] a lock pin 25a between the unlocked position shown in

FIG. 32 and locked position shown in FIG. 33” (Kitagawa at col. 13, lines 54-59). In other words, Kitagawa discloses in fact a locking mechanism with a movable lock pin, and not a fixed retention pin.

In view of the above, it is submitted that the rejection should be withdrawn.

Next, in the Office Action, claims 1-18 are rejected under 35 U.S.C. 103(a) as obvious over US 4,488,751 to Kling (“Kling”) in view of US 5,364,157 to Siedlecki (“Siedlecki”). It is alleged in the Office Action that Kling discloses a door retention system using a ridge-and-groove connection, and Siedlecki discloses a door retention system using a pin-and-groove connection, so that it would have been obvious to use the pin of Siedlecki instead of a ridge in the system of Kling.

Reconsideration and withdrawal of the rejection is respectfully requested. The ridge of Kling, as well as the pin of Siedlecki, are protruding structures that are inserted in the groove when the door is in the closed position. A drawback of this type of construction is that the protrusion is apparent and without protection when the door is open.

In contrast, in the presently claimed invention, the retention pin is covered by the skin which constitutes the side of the passenger compartment, as recited in present claim 1. An advantage of this construction is that the retention pin can be protected when the door is open in regular use of the door. This feature and its advantages are not taught or suggested in any of Kling or Siedlecki, and therefore, the present claims are not obvious over Kling and Siedlecki taken alone or in any combination.

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In view of the above, it is submitted that the rejection should be withdrawn.

Next, in the Office Action, it is indicated that the Japanese abstract JP 09 272387 listed in the Information Disclosure Statement (IDS) filed with the national stage application has not been reviewed.

This application is a national stage of an international application, and the IDS filed on February 23, 2005 listed the documents cited in the International Search Report (ISR), which have been directly transmitted by the European Patent Office (EPO) to the U.S. Patent and Trademark Office (USPTO), as confirmed in the Notice of Acceptance of this application. It is submitted that the Examiner has a duty to review these documents because they were cited in the ISR and made part of the USPTO file, and since the documents have been listed in the IDS, to confirm this review by returning a copy of form PTO-1449 with the listed documents initialled.

For easy reference, a copy of the Japanese abstract JP 09 272387 listed in the IDS is attached to this paper. Return of a copy of the form PTO-1449 with the review of the Japanese abstract confirmed by initials is respectfully requested.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

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In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Please replace the original sheet of drawings by the attached replacement sheet of drawings which includes new Figs. 4 and 5.